

AMENDED IN ASSEMBLY AUGUST 18, 2004

AMENDED IN ASSEMBLY JUNE 30, 2004

AMENDED IN ASSEMBLY JUNE 10, 2004

AMENDED IN SENATE MAY 20, 2004

AMENDED IN SENATE MAY 10, 2004

AMENDED IN SENATE MAY 3, 2004

AMENDED IN SENATE APRIL 28, 2004

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**SENATE BILL**

**No. 1912**

**Introduced by Senator Ashburn**  
*(Principal coauthor: Assembly Member Reyes)*  
**(Coauthor: Senator Florez)**

March 11, 2004

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An act to amend Section 49423 of the Education Code, relating to pupil health, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1912, as amended, Ashburn. Pupil health: self-administration of medication.

Existing law provides that each pupil who is required to take, during the regular schoolday, medication prescribed for him or her by a physician, may be assisted by the school nurse or other designated school personnel if the school district receives a written statement from the physician detailing the method, amount, and time schedules by which the medication is to be taken and a written statement from the

parent, foster parent, or guardian of the pupil indicating the desire that the school district assist the pupil in the matters set forth in the physician's statement.

This bill would authorize a pupil to carry and self-administer ~~inhaled asthma or~~ auto-injectable epinephrine medication if the school district receives the statements described above.

*The bill would require the written statements to be provided to the school district at least annually and more frequently if the medication, dosage, frequency of administration, or reason for administration changes.*

*The bill would subject a pupil to specified disciplinary actions if that pupil uses the auto-injectable epinephrine in a manner other than as prescribed.*

This bill would make its provisions effective only if, AB 2132 of the 2003–04 Regular Session is enacted.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 49423 of the Education Code is
- 2 amended to read:
- 3 49423. (a) Notwithstanding Section 49422, any pupil who is
- 4 required to take, during the regular schoolday, *auto-injectable*
- 5 *epinephrine* medication prescribed for him or her by a physician
- 6 *and surgeon*, may be assisted by the school nurse or other
- 7 designated school personnel or may carry and self-administer
- 8 prescription ~~inhaled asthma medication or~~ auto-injectable
- 9 epinephrine if the school district receives both of the following:
- 10 (a) ~~A written statement from the physician detailing the~~
- 11 ~~method, amount, and time schedules by which the medication is~~
- 12 ~~to be taken.~~
- 13 (b) ~~A written statement from the parent, foster parent, pursuant~~
- 14 ~~to Section 1530.6 of the Health and Safety Code, or guardian of~~
- 15 ~~the pupil indicating the desire that the school district assist the~~
- 16 ~~pupil in the matters set forth in the physician's statement or~~
- 17 ~~consenting to the self-administration.~~

~~(c) If a pupil is observed misusing or sharing inhaled asthma medication or auto-injectable epinephrine with other pupils, a school principal may revoke the pupil's authorization to carry and self-administer the medication at school. If a principal revokes a pupil's authorization to carry and self-administer the medication at school, the principal shall immediately inform the parent, foster parent, or guardian and physician of the pupil of the revocation. the appropriate written statements identified in subdivision (b).~~

*(b) (1) In order for a pupil to be assisted by a school nurse or other designated school personnel pursuant to subdivision (a), the school district shall obtain both a written statement from the physician detailing the name of the medication, method, amount, and time schedules by which the medication is to be taken and a written statement from the parent, foster parent, or guardian of the pupil indicating the desire that the school district assist the pupil in the matters set forth in the statement of the physician.*

*(2) In order for a pupil to carry and self-administer prescription auto-injectable epinephrine pursuant to subdivision (a), the school district shall obtain both a written statement from the physician or surgeon detailing the name of the medication, method, amount, and time schedules by which the medication is to be taken, and confirming that the pupil is able to self-administer auto-injectable epinephrine, and a written statement from the parent, foster parent, or guardian of the pupil consenting to the self-administration, providing a release for the school nurse or other designated school personnel to consult with the health care provider of the pupil regarding any questions that may arise with regard to the medication, and releasing the school district and school personnel from civil liability if the pupil suffers an adverse reaction by taking medication pursuant to this section.*

*(3) The written statements specified in this subdivision shall be provided at least annually and more frequently if the medication, dosage, frequency of administration, or reason for administration changes.*

*(c) A pupil may be subject to disciplinary action pursuant to Section 48900 if that pupil uses auto-injectable epinephrine in a manner other than as prescribed.*

SEC. 2. This act shall become effective only if Assembly Bill 2132 of the 2003–04 Regular Session is enacted and becomes effective on or before January 1, 2005.

1 SEC. 3. This act is an urgency statute necessary for the  
2 immediate preservation of the public peace, health, or safety  
3 within the meaning of Article IV of the Constitution and shall go  
4 into immediate effect. The facts constituting the necessity are:

5 In order to provide, at the earliest possible time, for the  
6 protection of the health of pupils and prevent deaths, it is necessary  
7 that this act take effect immediately.

